

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRICKLAYERS PENSION TRUST FUND -  
METROPOLITAN AREA, Trustees of; et al,

Plaintiffs,

v.

Case No. 09-10525

HON. PATRICK J. DUGGAN

DESANTIS CONSTRUCTION CO., INC.,

Defendant.

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**STIPULATION TO CONSENT ORDER**  
**(i) DISMISSING CASE WITHOUT**  
**PREJUDICE, AND (ii) SETTING PROCEDURES FOR**  
**RE-OPENING OF CASE AND ENTRY OF CONSENT JUDGMENT**

The undersigned hereby stipulate to the entry of the attached Order (i) Dismissing Case Without Prejudice, and (ii) Setting Procedures for Re-Opening of Case and Entry of Consent Judgment.

STIPULATED AND AGREED TO:

SACHS WALDMAN,

SWISTAK & LEVINE, PC

PROFESSIONAL CORPORATION

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(P-27695)

Dated: November 6, 2009

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Trustees of the  
BRICKLAYERS PENSION TRUST FUND –  
METROPOLITAN AREA; BRICKLAYERS  
AND TROWEL TRADES INTERNATIONAL  
PENSION FUND; BRICKLAYERS & TROWEL  
TRADES INTERNATIONAL RETIREMENT  
SAVINGS PLAN; BRICKLAYERS HOLIDAY  
TRUST FUND, METROPOLITAN AREA; TROWEL  
TRADES HEALTH AND WELFARE FUND –  
DETROIT AND VICINITY; BRICKLAYERS  
INTERNATIONAL MASONRY INSTITUTE;  
DETROIT METROPOLITAN MASONRY  
JOINT APPRENTICESHIP & TRAINING COMMITTEE;  
and the LABOR-MANAGEMENT COOPERATION COMMITTEE;  
trust funds established under, and administered pursuant to, federal law,

Plaintiffs,

v.

Case No. 09-10525  
HON. PATRICK J. DUGGAN

DESANTIS CONSTRUCTION CO., INC.,

Defendant.

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**CONSENT ORDER**  
**(i) DISMISSING CASE WITHOUT PREJUDICE AND**  
**(ii) SETTING PROCEDURES FOR**  
**RE-OPENING OF CASE AND ENTRY OF CONSENT JUDGMENT**

Plaintiffs and Defendants having entered into a Settlement Agreement, and having consented to the entry of this Order; and the Court, after having been fully advised of the terms of such Agreement;

IT IS HEREBY ORDERED that this case is dismissed without prejudice and without costs to either party and shall be administratively closed.

IT IS FURTHER ORDERED that upon the occurrence of a Default under the Settlement Agreement, Plaintiffs shall file with this Court and serve on Defendant (a) a Notice of Re-Opening Case, and (b) an Affidavit of Default under Settlement Agreement, and, without any further notice, hearing, application or order, shall present the Consent Order Re-Opening Case and Entry of Consent Judgment in the form attached to the Settlement Agreement, for immediate entry by this Court without the necessity of a hearing.

This Court shall retain jurisdiction over this matter for purposes set forth in the preceding paragraph.

S/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

Dated: November 6, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 6, 2009, by electronic and/or ordinary mail.

S/Marilyn Orem  
Case Manager